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OFFICE OF PETITIONS

In re Application of :
Kazuhiro Ishida : DECISION ON PETITION
Application No. 10/653,358 :
Filed: August 28, 2003 :
Attorney Docket No. 8013-1192 :

This is a decision on the PETITION UNDER 37 CFR 1.181, filed August 10, 2006, which is properly considered as a petition under § 1.53(e)(2). Petitioners request that the filing date of the above-identified application be corrected from September 3, 2003 to August 28, 2003.

Office records reveal that on November 24, 2003, the Office mailed applicant a filing receipt stating that the above-identified application had been accorded a filing date of September 3, 2003.

On August 10, 2006, applicant filed the instant petition. Applicant is reminded that any petition under 37 CFR 1.53(e) or 37 CFR 1.182 not filed within 2-months of the action complained of may be dismissed as untimely. In this instance, the petition will not be dismissed but will be considered on the merits.

Applicant states that the present application was filed in the USPTO on August 28, 2003 (consisting of 32 pages of specification, 18 claims, five sheets of drawings, an Application Data Sheet, an executed declaration and an abstract), as evidenced by their postcard receipt. The petition includes a copy of the postcard.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as prima facie evidence of

receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) the papers filed therewith were date stamped as received in the USPTO on August 28, 2003; 2) it specifically identifies the items being filed, including the 32 pages of specification w/18 claims and 5 sheets of formal drawings and 3) it lacks any annotation of non-receipt of any item denoted on the postcard. Thus, petitioner has shown that the items denoted were filed on August 28, 2003. Further, these papers constitute the original application disclosure presently accorded a filing date of September 3, 2003.

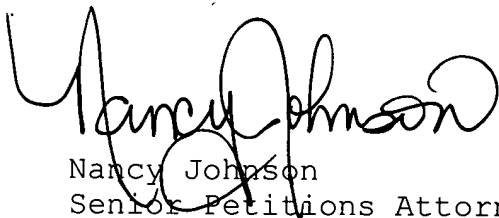
Accordingly, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee is subject to refund. In view thereof, although the application as filed included a general authorization to charge any required fees, no petition fee will be charged.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for:

• **correction of the filing date to August 28, 2003.**

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions